

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARRYL ORRIN BAKER,

Plaintiff,

VS.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO. # 05-147-ERIE

HONORABLE DISTRICT COURT JUDGE
SEAN J. MCLAUGHLIN

LEAVE TO FILE A NOTICE OF APPEAL PURSUANT
TO FED. R. APP.P 4(a)(1)(A)-4(a)(4)(A)
4(A)(4)(iv)-4(a)(4)(A)(vi)

NOW COMES the Plaintiff Darryl Orrin Baker, (hereinafter "PLAINTIFF"), and proceeding *pro-se*, and respectfully moves this Honorable Court for Leave to File a Notice of Appeal to the Third Circuit for review, because this Honorable Court dismissed the Plaintiff claims pursuant to F.R.CIV.P 12(b)(1) 12(b)(6) and 56(c). The Plaintiff request leave for the following:

(1) That this Honorable Court overlooked material facts pursuant to 12(b)(1) and 12(b)(6) and Rule 56(c).

(2) That a material fact existed for this Court to GRANT a Bench Trial.

(3) That the Plaintiff has shown through documentary evidence that the Defendant's negligence acts where non-discretionary pursuant to the FTCA's Discretionary Function Exception when the Warden policy and regulations was violated.

(4) That the Defendant's where the proximate cause of the Plaintiff's injuries at FCI-Mckean Medical Department.

(5) That sovereign immunity was waived by the Defendant's when the Government employees violated the FTCA's Discretionary Function Exception.

(6) That compensatory damages and the claim for money damages that submitted to the Federal Agency should have been granted because a non-discretionary act was committed by the Defendant's Government Official Employee's.

CONCLUSION

The Plaintiff request Leave to File a Notice of Appeal Pursuant to 4((a)(1)-4(a)(4)(A) 4(a)(4)(iv)-4(a)(4)(A)(vi) of the Appellate Rules of Appellate Procedure.

ALSO, THE PLAINTIFF REQUEST THAT ALL DOCUMENTS AND BRIEF'S AND MOTION BE FOREWARDED TO THE THIRD CIRCUIT FOR REVIEW.

Respectfully submitted

BY:

Darryl Orrin Baker
Darryl Orrin Baker
Reg. No.# 19613-039
Federal Prison Camp
P.O. Box 2000
Lewisburg, PA.
17837

EXECUTED: DECEMBER __, 2006

December 26, 2006

United States District court
Western District of Pennsylvania
Sean J. McLaughlin (JUDGE)
U.S. CourtHouse, Room A250
17 South Park Row
Erie, PA. 16501

RE: Motion for Leave to File a Rule 59(e) Pursuant to F.R. Civ. P.

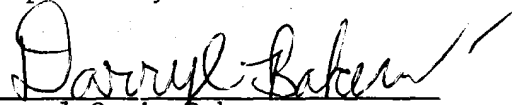
Dear Clerk of Court:

Please find inside three (3) Motions for Leave to File a Rule 59(e) Motion to Alter or Amend Judgment granting United States Defendant's Motion for Summary Judgment.

Thank you for your cooperation.

Respectfully submitted

BY:



Darryl Orrin Baker
Reg. No. # 19613-039
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P.O. Box 2000
Lewisburg, Pa.
17837

ENCL: